



General Assembly

January Session, 2005

Substitute Bill No. 5615

* _____ HB05615ENVJUD032905 _____ *

**AN ACT CONCERNING MOTORBOAT NOISE AND MOTORBOAT
SOUND LEVEL TESTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-129 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The provisions of this section shall apply to vessels operated on
4 state and federal waters. (1) Every vessel shall carry for each person on
5 board, so placed as to be readily accessible, at least one buoyant
6 personal flotation device. The operator or owner of any vessel being
7 used for recreational purposes, other than a vessel required to have a
8 certificate of inspection issued by the Coast Guard, shall require any
9 child under twelve years of age who is aboard such vessel to wear a
10 personal flotation device while such vessel is underway unless the
11 child is below deck or in an enclosed cabin. Sailboards shall be exempt
12 from carrying a personal flotation device if the mast of the sailboard is
13 secured to the hull by a leash or safety line. (2) Every motorboat with
14 enclosed fuel storage space or an enclosed engine compartment shall
15 be equipped with devices for ventilating flammable or explosive gases.
16 (3) Every motorboat with a carbureted inboard engine shall have the
17 carburetor of such engine equipped with a flame arrestor or backfire
18 trap unless such engine is mounted in the aftermost part of the vessel
19 with no provisions for carrying passengers behind the forward edge of

20 the engine and the carburetor of such engine has its intake opening
21 above the gunwale line of the vessel in the open atmosphere and
22 mounted so backfire flames are directed to the rear or vertically away
23 from the vessel and its occupants. (4) Every motorboat shall have its
24 engine equipped with an effective muffling device. (5) All inboard
25 motorboats, all outboard motorboats twenty-six feet or over in length,
26 and all outboard motorboats less than twenty-six feet in length which
27 have a compartment in which gases may accumulate, shall be
28 equipped with a fire extinguisher. (6) Every motorboat sixteen feet or
29 more in length shall be equipped with a whistle or horn-type sound-
30 producing device capable of producing a blast of two seconds or more
31 in duration. On motorboats sixteen feet or more but less than twenty-
32 six feet in length such device shall be mouth, hand or power-operated
33 and audible for at least one-half mile. On motorboats twenty-six feet or
34 more but less than forty feet in length such device shall be hand or
35 power-operated and audible for at least one mile. On motorboats forty
36 feet or more but less than sixty-five feet in length such device shall be
37 power-operated and audible for at least one mile. Every motorboat
38 twenty-six feet or more in length shall be equipped with a bell capable
39 of producing a clear bell-like tone of full round characteristics. (7)
40 Every vessel operated on the waters of Long Island Sound or Fishers
41 Island Sound between sunset and sunrise shall carry visual distress
42 signals suitable for night use. Every vessel sixteen feet or more in
43 length, except manually propelled vessels and open sailboats that are
44 less than twenty-six feet in length, and are not equipped with
45 propulsion machinery, operated on the waters of Long Island Sound or
46 Fishers Island Sound at any time shall carry visual distress signals
47 suitable for day and night use. No person, operator or owner in a
48 vessel shall display or allow the display of a visual distress signal
49 except when assistance is needed because of immediate or potential
50 danger to persons aboard.

51 (b) No person shall operate or give permission for the operation of
52 any motorboat on the waters of this state unless such motorboat is at
53 all times equipped with a muffler which enables such motorboat to be

54 operated in compliance with subsections (c) and (d) of this section and
55 such muffler is in use. For purposes of this section "muffler" means a
56 sound suppression device or system designed and installed to abate
57 the sound of exhaust gases emitted from an internal combustion
58 engine.

59 (c) No person shall operate or give permission for the operation of
60 any motorboat on the waters of this state in such a manner as to exceed
61 the following noise levels: (1) For engines manufactured before
62 January 1, 1993, a noise level of 90 dB(A) when subjected to a
63 stationary sound level test as prescribed by Society of Automotive
64 Engineers Specification Number J2005; (2) for engines manufactured
65 on or after January 1, 1993, a noise level of 88 dB(A) when subjected to
66 a stationary sound level test as prescribed by Society of Automotive
67 Engineers Specification Number J2005. If a motorboat is equipped with
68 more than one engine, the said noise levels shall apply when all such
69 engines are simultaneously in operation.

70 (d) No person shall operate or give permission for the operation of
71 any motorboat on the waters of this state in such a manner as to exceed
72 a noise level of 75 dB(A) measured as specified by Society of
73 Automotive Engineers Specification Number J1970.

74 (e) Any officer authorized to enforce the provisions of this chapter
75 who has reason to believe that a motorboat is being operated in excess
76 of the noise levels established in subsection (c) or (d) of this section
77 may request the operator of such motorboat to submit the motorboat
78 to an on-site test to measure noise levels, with the officer on board
79 such motorboat if such officer chooses, and the operator shall comply
80 with such request. If such motorboat exceeds the noise levels
81 established in subsection (c) or (d) of this section, the officer may direct
82 the operator to take immediate and reasonable measures to correct the
83 violation, including returning the motorboat to a mooring and keeping
84 the motorboat at such mooring until the violation is corrected or
85 ceases.

86 (f) Any officer who conducts a motorboat sound level test as
87 provided in this section shall be qualified in motorboat noise testing by
88 the Department of Environmental Protection. Such qualification shall
89 include, without limitation, instruction in selection of the measurement
90 site and in the calibration and use of noise testing equipment.

91 (g) No person shall operate or give permission for the operation of
92 any motorboat on the waters of this state that is equipped with a
93 muffler cutout, bypass or similar device which prevents the proper
94 operation of or diminishes the operating capacity of the muffler.

95 (h) No person shall remove a muffler from a motorboat or alter a
96 muffler on a motorboat so as to prevent the operation of such
97 motorboat in compliance with subsections (c) and (d) of this section.

98 (i) No person shall sell or offer for sale any motorboat which is not
99 equipped with a muffler which enables such motorboat to be operated
100 in compliance with subsections (c) and (d) of this section. This
101 subsection shall not apply to the sale or offer for sale of a motorboat
102 which will be operated solely for the purpose of competing in marine
103 races or regattas, provided upon the sale of a motorboat which is not
104 equipped with such a muffler, the seller shall provide to the purchaser,
105 and the purchaser shall date and sign, the following statement: "I
106 understand that this motorboat may not be operated for any purposes
107 other than competing in a marine race or regatta authorized under
108 section 15-140b of the Connecticut general statutes". Such statement
109 shall include the hull identification number of the motorboat being
110 purchased. Not later than five days after the sale, the seller shall
111 submit to the commissioner a copy of such signed and dated
112 statement. The seller and purchaser shall each retain a copy of the
113 statement.

114 (j) The provisions of subsections (c) and (d) of this section shall not
115 apply to the operation of a motorboat participating in a marine race or
116 regatta authorized by the commissioner under section 15-140b.

117 (k) All devices and equipment required by this section shall be of a

118 type and carried in the quantity and location approved by the
119 commissioner or by the United States Coast Guard.

120 (l) Sirens shall not be used on any vessel except that law
121 enforcement vessels of the United States, this state or a political
122 subdivision of this state may use sirens when engaged in law
123 enforcement activities or when identification is necessary for safety
124 reasons. Any vessel may be equipped with a theft alarm signal device
125 if such device is so designed that it cannot be used as an ordinary
126 warning signal.

127 (m) Any person who violates any provision of subsection (a) of this
128 section shall have committed an infraction. Any person who fails to
129 comply with a request or direction of an officer made pursuant to
130 subsection (e) of this section shall be fined not less than three hundred
131 fifty dollars nor more than five hundred fifty dollars and shall be fined
132 not less than four hundred fifty dollars nor more than six hundred fifty
133 dollars for each subsequent offense. Any person who violates the
134 provisions of any other subsection of this section [or who fails to
135 comply with a request or direction of an officer made pursuant to
136 subsection (e) of this section] shall be fined not less than one hundred
137 dollars nor more than five hundred dollars.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2005	15-129
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ENV

Joint Favorable Subst. C/R

JUD